

MITIGATED NEGATIVE DECLARATION

April 19, 2007

Project Name: Hukari Minor Residential Subdivision

Project Number(s): TPM 20830, Log No. 04-02-017

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Archaeology, Agriculture, and Drainage

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGICAL RESOURCES

1. Prior to issuance of grading permits or construction permits, or on the Parcel Map, whichever comes first, the applicant shall:

Grant to the County of San Diego an open space easement as shown on the Open Space Easement Exhibit dated **August 22, 2005** on file with the Department of Planning and Land Use as Environmental Review Number **04-02-017**. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
 - i. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use.

- b. Use and maintenance of the 35' by 35' shed located in the southeast corner of the remainder parcel, as shown on the Tentative Parcel Map dated May 10, 2006. When site agricultural operations cease, the shed shall be removed.
- 2. Prior to approval of grading permits or construction permits, or on the Parcel Map, whichever comes first, the applicant shall:

Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Easement Exhibit dated **August 22, 2005** on file with the Department of Planning and Land Use as Environmental Review Number **04-02-017**. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Decking, fences, and similar facilities.
 - b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- 3. Prior to obtaining any building or grading permit, the applicant shall:

Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. All temporary fencing shall be removed only after the conclusion of such activity. The temporary fencing condition shall be released on a parcel-by-parcel basis.

4. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:

Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Permanent fencing or walls are required in all locations of the project as shown on the Open Space Fencing and Signage Exhibit dated **August 22, 2005** on file with the Department of Planning and Land Use as Environmental Review Number **04-02-017**. The permanent fence locations shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. Construction materials and fence or wall design are subject to approval by the Department of Planning and Land Use. Minimum fence or wall height shall be four (4) feet. The permanent fencing condition shall be released on a parcel-by-parcel basis.

5. Prior to the approval of grading or improvement plans and prior to the approval of the Parcel Map, the applicant shall:

Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with the Open Space Fencing and Signage Exhibit dated **August 22, 2005** on file with the Department of Planning and Land Use as Environmental Review Number **04-02-017**. Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

“Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: 04-02-017"

6. Prior to approval of grading or improvement plans, and prior to approval of the Parcel Map, the applicant shall:

Provide for the approval of the Director of Planning and Land Use evidence that 0.24 acres of southern mixed chaparral habitat credit has been secured in a County approved mitigation bank located in North County. Evidence of purchase shall include the following information to be provided by the mitigation bank:

- a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.24 acres of southern mixed chaparral habitat located in North County. A Habitat Management Plan (HMP) for the southern mixed chaparral habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.

2. ACCESS

- a. The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a)(2) and/or (b)(1), unless proof is furnished that a lesser width is applicable under Section 81.703(l)(1) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to off-site access to all proposed parcels.

3. SIGHT DISTANCE

- a. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that physically, there is a minimum adequate unobstructed sight distance in both directions along West Lilac Road from Mountain View Road, for the prevailing operating speed of traffic on West Lilac Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". Vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor

shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required. These certifications shall be to the satisfaction of the Director of Public Works.

4. PRIVATE ROAD EASEMENTS

- a. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac located at the intersection point of the property lines of Parcels 1, 3, 4, and the Designated Remainder Parcel, to the satisfaction of the North County Fire Protection District and the County of San Diego, Director of Public Works.
- b. The parcel map shall show a minimum forty foot (40') private road easement from the proposed cul-de-sac easterly to Mountain View Road.
- c. The Parcel Map shall show a minimum forty foot (40') wide existing private road easement from the proposed to-be-named private easement road southerly to West Lilac Road.

5. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/DEVELOPMENT IMPACT FEES

- a. The subdivider shall authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights. The subdivider shall cover the cost of processing by paying a minimum fee at DPW Land Development Counter Services.
- b. The subdivider shall provide for maintenance of the on-site and off-site private roads that serve the project through a private road maintenance agreement.

6. FACILITY/UTILITY ARRANGEMENTS

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego,

Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from the following: AT&T/SBC and Rainbow Municipal Water District.

- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.
- c. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

7. FLOODING/DRAINAGE

- a. The drainage swale, which flows through the property, shall be shown and labeled "Drainage Swale" on the Parcel Map. The subdivider's civil engineer will provide this information by annotating a copy of the Tentative Parcel Map.
- b. Lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
 - (1) The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the 100-year floodplain limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San Diego,

Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.

- B. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF

IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.)

1. PRIVATE ROAD IMPROVEMENTS

- a. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.
- b. The cul-de-sac shall be graded to a radius of thirty-eight feet (38') and improved with asphalt concrete to a radius of thirty-six feet (36'), to the satisfaction of the North County Fire Protection District and the County of San Diego, Director of Public Works.
- c. The to-be-named proposed private easement road, from the cul-de-sac easterly to Mountain View Road, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply, to the satisfaction of the Director of Public Works.
- d. The private easement road (Mountain View Road), from the to-be-named private road easement southerly to West Lilac Road, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. Any existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-four feet (24'). All distressed sections shall be replaced. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred

one (101) to seven hundred fifty (750) trips shall apply, to the satisfaction of the Director of Public Works.

- e. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Streets.
- f. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- g. A street name sign, with a County approved street name, shall be installed and located at the intersection of the to-be-named private easement road and Mountain View Road per San Diego County Design Standards DS-13.
- h. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The to-be-named private easement road, including all slopes and the cul-de-sac, from Parcels 1 and 4 easterly to Mountain View Road, are constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- i. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road (Mountain View Road), including all slopes, from the to-be-named private easement road southerly to West Lilac Road, are constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be

utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."

- j. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- k. The structural section, both new and existing, for the private roads shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Streets.
- l. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

D. OTHER REQUIREMENTS

- 1. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.

2. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).
3. After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.
4. For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.
5. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

JOSEPH FARACE, AICP, Planning Manager
Regulatory Planning Division

JF:CP:jcr

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